

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

CONSOLIDATED INDUSTRIES, LLC  
d/b/a WEATHER KING PORTABLE  
BUILDINGS,

Plaintiff,

v.

JESSE A. MAUPIN, BARRY D.  
HARRELL, ADRIAN S. HARROD,  
LOGAN C. FEAGIN, STEPHANIE L.  
GILLESPIE, RYAN E. BROWN,  
DANIEL J. HERSHBERGER, BRIAN  
L. LASSEN, ALEYNA LASSEN, and  
AMERICAN BARN CO., LLC,

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

District Judge Anderson

Magistrate Judge York

**DECLARATION OF THOMAS G. PASTERNAK**

I, Thomas G. Pasternak, am over the age of 18 and make this Declaration under 28 U.S.C.

§ 1746 on my own personal knowledge:

1. I am over the age of 18, and I am competent to testify as to all matters set forth herein.

2. I am counsel for Defendants Jesse A. Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagin, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (the “ABCO Defendants”) in this matter.

3. On the morning of May 7, 2025, I took the depositions of Timothy Boyd and then Scott Berryman on behalf of the ABCO Defendants. (*See* D.E. 217-1 at 2; D.E.217-2 at 2.) During these depositions, new information emerged regarding Weather King’s failure to mitigate any

alleged damages regarding the allegations in Weather King's First Amended Complaint, as described in the ABCO Defendants' motion for leave to file an amended answer and affirmative defenses, filed on May 22, 2025. (D.E. 217.)

4. Mr. Berryman's deposition concluded at 11:08 AM CT. An excerpt of the transcript of Mr. Berryman's deposition showing this timestamp is attached hereto as **Exhibit A**.

5. The ABCO Defendants retained Brian W. Napper, Senior Managing Director of Ocean Tomo, an intellectual property and forensic accounting consulting company, as an expert witness to provide an opinion regarding damages in this case.

6. Immediately after the depositions of Timothy Boyd and Scott Berryman concluded, I called Mr. Napper's offices to discuss Mr. Napper's expert report, which was being finalized. I relayed to them information regarding Timothy Boyd's and Scott Berryman's testimony showing that Weather King failed to mitigate its damages, and requested that Mr. Napper include this issue in his expert report.

7. Mr. Napper did so, and the ABCO Defendants served his finalized report on Plaintiff's counsel via email that afternoon, at 4:54 PM CT. (*See* D.E. 213.) A copy of that email, sent by my co-counsel, Benjamin S. Morrell, is attached hereto as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of June, 2025.

/s/ Thomas G. Pasternak  
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THOMAS G. PASTERNAK